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Notice of Allowability	Application No.	Applicant(s)	
	10/761,693	SANDHOLM ET AL.	
	Examiner	Art Unit	
	Frederick C. Nicolas	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/20/2004.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 1/4/2005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/4/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/20/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>see attached Figures 2 and 8</u> . |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. Peter L. Costas on 1/4/2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 2, after "cavity", --having an inner wall-- has been inserted; line 7, "wall" has been deleted and --wall, a rear wall-- has been inserted; line 9, after "passage", --with a front end and rear end-- has been inserted; line 10, "the" has been deleted and --said-- has been inserted; line 10, "each" has been deleted and --the-- has been inserted; line 11, "the" has been deleted and --a-- has been inserted; line 15, "the" has been deleted and --a-- has been inserted; line 17, "the other" has been deleted and --said rear-- has been inserted; line 19, "about" has been deleted and --around-- has been inserted.

Claim 3, line 3, after "wall" first occurrence, --portion-- has been inserted.

Claim 4, line 3, "at its end adjacent said front wall" has been deleted and --adjacent said front wall thereof-- has been inserted.

Claim 5, line 3, "the other end" has been deleted and --said rear wall-- has been inserted.

Claim 10, line 1, "Claim 1" has been deleted and --Claim 3-- has been inserted;
line 3, after "body", --portion-- has been inserted.

Claim 11, lines 1-2, "the body of" has been deleted.

IN THE SPECIFICATION:

On page 6, line 11, "prongs 52" has been deleted and --prongs 46-- has been inserted.

On page 12 of the abstract, line 1, "comprising" has been deleted and --includes-- has been inserted.

IN THE DRAWINGS:

The reference numeral (46) and the leader line have been added in Figures 2 and 8.

Allowable Subject Matter

2. Claims 1-11 are allowed.
3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a dispenser in combination with the other claimed limitations of claim 1:

"said push rod being movable against said rear end of said plug to move said flange of said plug away from said surface of said piston to allow air to vent through said passage around the periphery of said plug".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wormser et al. 3,075,675, Czech 4,685,594, Endo et al. 4,657,161, Wiegner et al. 4,402,431, Soehnlein et al. 4,792,065, Spatz 5,170,913, Baidwan et al. 5,238,003, Kvitrud 4,632,672, Brugner 6,598,766, Moretti 5,377,880, and Batteggazzore 5,042,695 disclose other types of dispenser with piston.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

January 4, 2005



1/4/05

Frederick C. Nicolas
Patent Examiner
Art Unit 3754